

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: Javas MIDDLETON

Docket Number: 2:99CR00422-03

Offender Address: Suisun City, California

Judicial Officer: Honorable Frank C. Damrell, Jr.
United States District Judge
Sacramento, California

Original Sentence Date: 07/29/2002

Original Offense: 18 USC 1344 and 2 - Bank Fraud, Aiding and Abetting
(CLASS B FELONY)

Original Sentence: 1 day custody of the Bureau of Prisons; 3 year term of supervised release; \$100 special assessment; \$12,366.85 restitution

Special Conditions: Search and seizure; Financial Disclosure; No credit cards or additional lines of credit without probation officer approval; Drug testing and counseling; Aftercare co-payment.

Type of Supervision: Supervised Release

Supervision Commenced: 07/30/2003

Assistant U.S. Attorney: Chris Sonderby **Telephone:** (916) 554-2700

Defense Attorney: Steven D. Bauer **Telephone:** (916) 447-8262

Other Court Action:

06/30/2003: TSR revoked; 1 month custody of the Bureau of Prisons; 2 year term of supervised release; \$12,366.85 restitution. Special Conditions: Search and seizure; Financial disclosure; No new credit charges or lines or

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credit without probation officer approval; Drug testing and counseling; 90 days residential community correction center; Aftercare co-payment.

12/15/2003:

TSR continued with additional condition that releasee spend 120 days in a residential community correction center.

NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

1. IRREGULAR FINE/RESTITUTION PAYMENTS

The offender will owe an outstanding balance towards restitution when the term of supervised release expires on July 29, 2005.

Details of alleged non-compliance: The releasee has paid \$20.00 towards his \$12,466.85 financial obligation to the Court.

United States Probation Officer Plan/Justification: Since May of 2004, the releasee has been collecting disability in the amount of \$680.00 per month. Prior to that, he was employed through a temporary service agency and was earning \$7.50 per hour from January through May of 2004. Prior to that employment, he was disabled collecting disability benefits. Since January of this year, the releasee has been residing with his parents in Suisun City, California. He separated from his wife where he had previously been living with her, their two children, and his wife's mother. Throughout the term of supervision, Mr. Middleton has not made enough money to support his family. Because

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of this, he has not been required to make consistent payments on his restitution. The Financial Litigation Unit of the United States Attorney's Office is involved in the collection efforts and will continue beyond the expiration of supervision to maintain contact with Mr. Middleton and to continue the collection efforts of the financial obligation imposed by the Court.

The probation officer recommends that no further action be initiated based on Mr. Middleton's failure to pay the full amount of restitution during the period of supervision. This probation officer is recommending that the case be allowed to expire as scheduled on July 29, 2005.

Respectfully submitted,

/s/Glenn P. Simon
GLENN P. SIMON
United States Probation Officer
Telephone: (916) 930-4306

DATED: May 31, 2005
Sacramento, California
GPS/cp

REVIEWED BY: /s/Rafael G. Loya
RAFAEL G. LOYA
Supervising United States Probation Officer

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THE COURT ORDERS:

- ☒ The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- ☐ Submit a Request for Modifying the Conditions or Term of Supervision.
- ☐ Submit a Request for Warrant or Summons.
- ☐ Other:

June 2, 2005

Date

/s/ Frank C. Damrell Jr.

Signature of Judicial Officer

cc: United States Probation
Chris Sonderby, Assistant United States Attorney
Steven D. Bauer, Assistant Federal Defender

Attachment: Presentence Report (Sacramento only)